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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER BGI-160US U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/579648
INTERNATIONAL APPLICATION NO. PCT/IB2004/004426	INTERNATIONAL FILING DATE 17 December 2004	PRIORITY DATE CLAIMED 18 December 2003
TITLE OF INVENTION METHODS FOR THE PREPARATION OF A FINE CHEMICAL BY FERMENTATION		
APPLICANT(S) FOR DO/EO/US Oskar ZELDER <i>et al.</i>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/579648</b>		INTERNATIONAL APPLICATION NO. <b>PCT/IB2004/004426</b>		ATTORNEY'S DOCKET NUMBER <b>BGI-160US</b>	
20. <input type="checkbox"/> Other items or information: Copy of Notification of Missing Requirements Under 35 U.S.C. 371 (2 pages); Petition for Two Month Extension of Time; Response to Notification of Missing Requirements Under 35 U.S.C. 371; PTO Form SB/08; Copies of Eighteen (18) References; Return Postcard					
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)) ..... \$300				\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 All other situations ..... \$200				\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400 All other situations ..... \$500				\$	
<b>TOTAL OF 21, 22 and 23 =</b>				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x		
Independent claims	- 3 =		x		
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+		
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 0.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$ 0.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
(1252) Extension for Response within Second Month				\$ 450.00	
<b>TOTAL FEES ENCLOSED =</b>				\$ 450.00	
01/23/2007 01 FC:1252				Amount to be refunded: \$ 0.00 Amount to be charged to Deposit Account \$ 450.00	DA 10579648

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- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 12-0080 in the amount of \$ 450.00 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Giulio A. DeConti, Jr., Esq.  
LAHIVE & COCKFIELD, LLP  
One Post Office Square  
Boston, Massachusetts 02109-2127  
(617) 227-7400

CUSTOMER NUMBER: 00959

Express Mail Label No. EV 957 643 316 US  
Date: January 19, 2007

  
SIGNATURE

Maria Laccotripe Zacharakis, Ph.D., J.D.  
NAME

56,266  
REGISTRATION NUMBER



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/579,648	Oskar Zelder	BGI160US

00959  
 LAHIVE & COCKFIELD  
 28 STATE STREET  
 BOSTON, MA 02109

**DOCKETED**

Nov. 26, 2006 - Missing Rea.

Apr. 26, 2007 - Esp w/5 no Ext

INTERNATIONAL APPLICATION NO.

PCT/IB04/04426

I.A. FILING DATE	PRIORITY DATE
12/17/2004	12/18/2003

CONFIRMATION NO. 9380

371 FORMALITIES LETTER



\*OC000000020573905\*

Date Mailed: 09/26/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/18/2006
- Copy of the International Search Report filed on 05/18/2006
- Preliminary Amendments filed on 05/18/2006
- Biochemical Sequence Diskette filed on 05/18/2006
- Biochemical Sequence Listing filed on 05/18/2006
- Copy of references cited in ISR filed on 05/18/2006
- U.S. Basic National Fees filed on 05/18/2006
- Priority Documents filed on 05/18/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice **MUST** be returned with the response.

RECEIVED	LAHIVE & COCKFIELD
SEP 29 2006	
RETRIEVED	<u>50-2</u>
FORWARDED	

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/579,648	PCT/IB04/04426	BGI160US

FORM PCT/DO/EO/905 (371 Formalities Notice)

Docket No.: BGI-160US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Oskar Zelder *et al.*

Application No.: 10/579,648  
Filing Date: May 18, 2006

Confirmation No.: 9380

Filing Date of  
International Application: December 17, 2004

Art Unit: N/A

For: METHODS FOR THE PREPARATION OF A  
FINE CHEMICAL BY FERMENTATION

Examiner: Not Yet Assigned

MS PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C.  
371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE**

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, dated September 26, 2006, Applicant(s) respectfully submit(s) a Declaration, Petition and Power of Attorney, a copy of the Notification of Missing Requirements, a Petition and appropriate fee for a two month Extension of Time, Information Disclosure Statement, and Supplemental Application Data Sheet.

Applicants believe that no additional fee is required with this submission. However, if Applicants are in error, the Commissioner is authorized to charge any deficiency in the fees filed, or credit any overpayment to Deposit Account No. 12-0080, under Order No. BGI-160US, from which the undersigned is authorized to withdraw.

Dated: January 19, 2007

Respectfully submitted,

By 

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